UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

RACHELLE LYNN RICHARDS,

        Plaintiff,

v.   Civil Action No. 2:14-26508

CAROLYN W. COLVIN,
Acting Commissioner of the Social
Security Administration,

        Defendant.

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Cheryl A. Eifert, entered on October 7, 2015; and the magistrate judge having recommended that the court grant plaintiff's request for a remand, deny defendant's request to affirm the decision of the Commissioner, reverse the final decision of the Commissioner, remand this matter pursuant to sentence four of 42 U.S.C. § 405(g), and dismiss this matter from the court's docket; and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that:

1. The findings in the Proposed Findings and Recommendation of the magistrate judge be, and they hereby are, adopted by the court and incorporated herein;

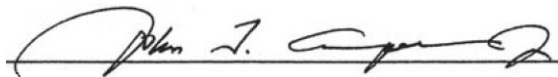2. The plaintiff's request for remand be, and it hereby is, granted;

3. The defendant's request to affirm the decision of the Commissioner be, and it hereby is, denied;

4. The decision of the Commissioner be, and it hereby is, reversed; and

5. This action be, and it hereby is, remanded for further proceedings, pursuant to sentence four of 42 U.S.C. § 405(g), which proceedings shall include an inquiry into the jobs available to plaintiff given the frequency and length of extra restroom breaks necessitated by her condition, and the possibility that plaintiff is entitled to a closed period of disability in view of her counsel's comments that plaintiff's condition is likely to improve over time, all as discussed in the magistrate judge's Proposed Findings and Recommendation.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record, any unrepresented parties, and the United States Magistrate Judge.

DATED: December 10, 2015

John T. Copenhaver, Jr.
United States District Judge

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